

D.R. NO. 93-5

STATE OF NEW JERSEY
PUBLIC EMPLOYMENT RELATIONS COMMISSION
BEFORE THE DIRECTOR OF REPRESENTATION

In the Matter of

GLOUCESTER COUNTY JUDICIARY,

Public Employer,

-and-

Docket No. RO-93-46

GLOUCESTER COUNTY SUPERVISING
PROBATION OFFICERS AND FAMILY
COURT MEDIATORS ASSOCIATION,

Petitioner.

SYNOPSIS

The Director of Representation dismisses a representation petition filed by the Gloucester County Supervising Probation Officers and Family Court Mediators Association. The Director finds that the petitioned-for unit is inappropriate, since it consists of one supervisor within the meaning of the Act and one non-supervisor.

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Appearances:

For the Public Employer
Mark Rosenbaum, Chief, Labor Relations

For the Petitioner
Bradley J. Fairchild, Supervising Probation Officer

DECISION

On September 21, 1992, the Gloucester County Supervising Probation Officers and Family Court Mediators Association filed a representation petition seeking to represent Supervisory Probation Officers and Family Court Mediators employed by Gloucester County Judiciary.

The Judiciary opposes the petition and seeks its dismissal. It claims the petitioned-for unit is inappropriate under the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq. since it consists of a supervisor and a non-supervisor and further claims that the Supervising Probation Officer is a "managerial executive" under N.J.S.A. 34:13A-3(f).

We have conducted an administrative investigation into the petition. These facts appear.

The petitioned-for unit consists of two individuals - a Supervising Probation Officer and a Family Court Mediator. Both the Association and the Judiciary agree that the Supervising Probation Officer is a supervisor within the meaning of the Act. He effectively recommends discipline and evaluates probation officers. His evaluations can lead to disciplinary action or salary increases. Further, both the Association and the Judiciary agree that the Family Court Mediator is not a supervisor under the Act.

Based on the above, I find that the petitioned-for unit is inappropriate. N.J.S.A. 34:13A-5.3 provides, in pertinent part:

nor, except where established practice, prior agreement or special circumstances, dictate the contrary, shall any supervisor having the power to hire, discharge, discipline, or to effectively recommend the same, have the right to be represented in collective negotiations by an employee organization that admits non-supervisory personnel to membership...

Similarly, N.J.S.A. 34:13-A-6(d) states:

The division shall decide in each instance which unit of employees is appropriate for collective negotiation, provided that, except where dictated by established practice, prior agreement, or special circumstances, no unit shall be appropriate which includes (1) both supervisors and nonsupervisors...

Accordingly, given that a negotiations unit of one employee is not appropriate,^{1/} I find that a unit consisting of solely the Family Court Mediator or solely the Supervising Probation Officer is also inappropriate.

The petition is dismissed.^{2/}

BY ORDER OF THE DIRECTOR
OF REPRESENTATION


Edmund G. Gerber, Director

DATED: November 13, 1992
Trenton, New Jersey

^{1/} Tp. of Byram, P.E.R.C. No. 84-96,, 10 NJPER 149 (¶15074 1984); Borough of Shrewsbury, P.E.R.C. No. 79-42, 5 NJPER 45 (¶10030 1979), affm'd 174 N.J. Super. 25 (App. Div. 1980) cert. den., 85 N.J. 129 (1980)

^{2/} I do not reach the issue of whether the Supervising Probation Officer is a managerial executive under the Act.